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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/350,467	07/09/1999	JOHN PAYNE	154143-0017	8175
33649	7590	09/13/2005	EXAMINER	
Mr. Christopher John Rourk GODWIN GRUBER, LLP 1201 Elm Street, Renaissance Tower DALLAS, TX 75270			DONAGHUE, LARRY D	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/350,467

Applicant(s)

PAYNE ET AL.

Examiner

Larry D. Donaghue

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/04/05.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 178-255 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 178-252 is/are allowed.
6) ☒ Claim(s) 253 is/are rejected.
7) ☒ Claim(s) 254-255 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. Claims 178-255 are presented for examination.
2. Claims 178-252 are allowed.
3. Claims 254-255 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The indication that claim 253 is allowable is withdrawn for the following reasons.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 253 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy et al., 5,790,958 in view of Ammons, B., "RBDS for Your Station!" <http://www.crlsystems.com/crl/tech/rbds.htm>, Circuit Research Labs, Inc., pp. 113, Sep. 1995, and May, U.S. Patent No. 5,043,721 and Beam, M., "A Summary of Broadcasting Technologies and Potential Applications in Today's Market," <http://www.dungeon.com/-start/rds-0030.html>, pp. 1-8, 1994.

6. McCoy taught a method for transmitting preprocessed data at said central broadcast server (Fig. 1 elem. 44); and instantaneously notifying said computing devices of receipt of said preprocessed data (Col. 2 lines 51-62).

McCoy does not teach:

Transmitting data from an information source to a central broadcast server;
Preprocessing said data at said central broadcast server; Wherein said remote computing devices are notified of receipt of said preprocessed data whether said computing devices are on or off line.

Ammons on the other hand discloses a method comprising:

Transmitting data from an information source to a central broadcast server (p. 2 FM radio station transmitter);
Preprocessing said data at said central broadcast server (p. 2 RBDS generator).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ammon's system for preprocessing data from an information server and broadcasting the data to remote computing devices with the radio reception system of McCoy based upon McCoy's explicit teaching that the broadcast signal is encoded and decoded according to the RBDS standard (Col. 1 lines 25-39).

May on the other hand teaches notifying said computing devices wherein said remote computing devices are notified of receipt of said preprocessed data whether said computing devices are on or off (Fig. 2; Col. 3 lines 61-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine May's system for waking up the remote computing device upon the receipt of data with McCoy's remote computing device because it reduces the amount of power consumed by the remote computing.

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7. Beam disclosed a method:

Monitoring the transmission of multiple viewers (p. 6), Filtering the transmitted preprocessed data, post processing the data, and notifying the user instantaneous of the receipt of the data.

8. It would have been obvious to combine Beam's teaching with the previously cite references as McCoy expressly teaches to configure the radio data reception system to "accommodate a user and access only desired information' (col. 14, lines 41-44).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LARRY D. DONAGHUE
PRIMARY EXAMINER

